



March 27, 2009

David D. Gersten
Director for Civil Rights and Civil Liberties Programs
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Washington, DC 20528

Dear Mr. Gersten:

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The American Civil Liberties Union (ACLU) requests an Office of Civil Rights and Civil Liberties investigation into a potential abuse of authority by Department of Homeland Security officials who improperly monitored and disseminated the communications of peace activists affiliated with the DC Anti-War Network (DAWN).

The ACLU of Maryland recently uncovered a Maryland State Police (MSP) intelligence operation that targeted 23 non-violent political advocacy organizations based solely on the exercise of their First Amendment rights.¹ MSP spying activities were aimed at peace advocates like the American Friends Service Committee (a Quaker organization) and Women in Black (a group of women who dress in black and stand in silent vigil against war), immigrants rights groups like CASA of Maryland, human rights groups like Amnesty International, anti-death penalty advocates like the Maryland Citizens Against State Executions, and gay rights groups like Equality Maryland, among others. Many of the members of these organizations were subsequently referenced as terrorists in a federal database.

The MSP documents reveal that DHS was involved in collecting and disseminating the e-mails of one of the peace groups subjected to the MSP spying operation. This information is alarming,² particularly because DHS representatives had previously denied to Members of Congress that DHS had any information regarding the MSP investigations targeting these protesters.³ In a letter to U.S. Senators Benjamin Cardin, Barbara Mikulski and Russ Feingold, DHS said it had done an “exhaustive” search of its databases and could find no information relating to the MSP surveillance operations. Yet MSP documents provided to the ACLU indicate that DHS Atlanta provided MSP with information regarding its investigation of DAWN. An entry in the MSP files dated June 21, 2005 says:

“The US Department of Homeland Security, Atlanta, recently forwarded two emails from [REDACTED] an affiliate of the DC DAWN Network and the [REDACTED]. Activists from DAWN, [REDACTED] and other groups working under the banner of [REDACTED] are going to stage several small (12-15) weekly demonstrations at the Silver Spring Armed Forces Recruitment

Center (AFRC). If there is enough support these will become weekly vigils.”⁴

Not only was DHS apparently aware of the MSP investigation, it was actually monitoring the communications of DAWN affiliates and forwarding them to MSP. We want to know how and why DHS obtained these e-mails (which contained no reference to any illegal activity), why DHS disseminated them to the MSP, and why DHS could not find records documenting this activity in the DHS databases.

Contrary to DHS’ letter to the Senators, a spokesman quoted in the Washington Post said that law enforcement agencies exchange information regarding planned demonstrations “every day.”⁵ Indeed, a March 2006 “Protective Intelligence Bulletin” issued by the Federal Protective Service (FPS) lists several advocacy groups that were targets of the MSP operations, including Code Pink, Iraq Pledge of Resistance and DAWN, and contains a “civil activists and extremists action calendar” that details dozens of demonstrations planned around the country, mostly peace rallies.

We would like the Office of Civil Rights and Civil Liberties to determine whether the dissemination of this type of information encouraged the MSP investigations and whether DHS collected or disseminated information regarding any other organizations targeted in the MSP spying operations.

Thank you for your attention to this matter. We look forward to hearing from you. Please contact Michael German at (202)544-1681 if you require additional information.

Sincerely,



Michael W. Macleod-Ball
Chief Legislative and Policy Counsel



Michael German
Policy Counsel

¹ See, ACLU of Maryland “Stop Spying” info page, <http://www.aclu-md.org/Index%20content/NoSpying/NoSpying.html> (last visited Mar. 11, 2009).

² Lisa Rein, Federal Agency Aided Md. Spying, Washington Post, Feb. 17, 2009, at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/16/AR2009021601131.html>

³ Letter from Jim Howe, Acting Assistant Secretary, U.S. Department of Homeland Security, to Senator Benjamin L. Cardin, (Jan 29, 2009) (on file with author).

⁴ Maryland State Police Intelligence File on the D.C. Anti-War Network (DAWN), p. 13, (2005) (on file with the ACLU). This document was released pursuant to the Maryland’s Public Information Act. See Public Information Act, Md. Code Ann., State Gov’t § 10-630 (West 2008).

⁵ Lisa Rein, *Federal Agency Aided Md. Spying*, WASH. POST, Feb. 17, 2009, at B01, available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/16/AR2009021601131.html>.